



12-24-03

#5 DAE

CASE 4-30944A

FILING BY "EXPRESS MAIL" UNDER 37 CFR 1.10EL987587167US  
Express Mail Label NumberDecember 23, 2003  
Date of Deposit

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**RECEIVED**IN RE APPLICATION OF  
FRANCE ET AL.**RECEIVED**

DEC 30 2003

APPLICATION NO: 10/035,301

DEC 30 2003

OFFICE OF PETITIONS

FILED: OCTOBER 25, 2001

OFFICE OF PETITIONS

FOR: USE OF 2,4-DIAMINO-3-HYDROXYCARBOXYLIC ACID  
DERIVATIVES AS PROTEASOME INHIBITORS  
RECEIVEDAssistant Commissioner for Patents  
Washington, D.C. 20231

NOV 30 2003

OFFICE OF PETITIONS

PETITION TO REVIVE UNDER 37 C.F.R. §1.137(a)

Sir:

This Petition is filed under 37 C.F.R. §1.137(a) requesting revival of the above-identified patent application, which Petitioners assert was abandoned unavoidably.

The Notice of Abandonment dated November 26, 2003 informs Petitioners that the above-identified patent application has been held to be abandoned for failure to respond to a Notice to File Missing Parts mailed on January 30, 2002. However, the Notice to File Missing Parts was not received in the undersigned attorney's office. Therefore, the failure to respond was unavoidable because Petitioners did not know that a response was due.

37 C.F.R. §1.137(a) requires Petitioners submit the following with this Petition:

(1) *The reply required to the outstanding Office action or notice, unless previously filed.* Because Petitioners assert that it did not receive any Notice to File Missing Parts, Petitioners request that a copy of the Notice to File Missing Parts be sent to Petitioners, and that the usual period to respond be restarted from the mailing date of the copy.

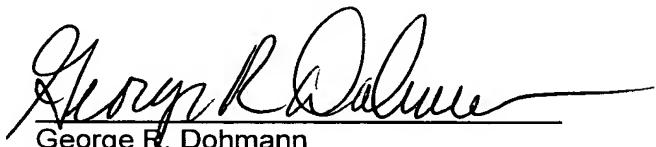
10035301  
12/30/2003 MD RATE1 00000010 190134  
110.00 DA  
01 FC:1452  
Adjustment date: 02/19/2004 MD RATE1 00000010 190134  
12/30/2003 MD RATE1 00000010 110.00 DA  
01 FC:1452

(2) *The Petition fee as set forth in §1.17(l).* A letter authorizing deduction of the fee from the assignee's deposit account is enclosed.

(3) *A showing to the satisfaction of the Director that the entire delay in filing the required delay from the due date for the reply until the filing of a grantable petition was unavoidable.* Petitioners assert that the delay was unavoidable because the Notice to File Missing Parts was never received in the undersigned attorney's office. The undersigned asserts that, upon a review of the file relating to this patent application, there is no physical copy of the Notice to File Missing Parts in the file, and that upon reviewing the electronic docketing program used in the undersigned's office, no entry was made for a Notice to File Missing Parts in the above-identified application. These facts lead the undersigned to believe that the Notice to File Missing Parts was never received. Therefore, the above-cited Notice of Abandonment was the first indication that any deadline was missed. Accordingly, Petitioners submit that the abandonment of this application was unavoidable.

Petitioners request that this petition be granted and that the above-identified patent application be revived.

Respectfully submitted,



George R. Dohmann  
Attorney for Petitioners  
Reg. No. 33,593

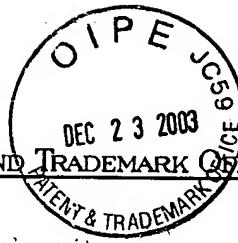
Novartis  
Corporate Intellectual Property  
One Health Plaza, Building 430  
East Hanover, NJ 07936-1080  
(862) 778-7824

Date: December 23, 2003

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*M*



UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER.	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/035,301	10/25/2001	Dennis France	4-30944A/C1

001095  
THOMAS HOXIE  
NOVARTIS, CORPORATE INTELLECTUAL PROPERTY  
ONE HEALTH PLAZA 430/2  
EAST HANOVER, NJ 07936-1080

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DEC 30 2003

Barcode: 0000000011357955\*

CONFIRMATION NO. 1955  
ABANDONMENT/TERMINATION  
LETTER

OFFICE OF PETITIONS

Date Mailed: 11/26/2003

**NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)**

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 01/30/2002.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*4n*  
*lerry*  
*Customer Service Center*  
*Initial Patent Examination Division (703) 308-1202*

*A copy of this notice **MUST** be returned with the reply.*

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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*lerry*